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EXAMINER

JONES, SCOTT E

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/272,467

Applicant(s)

KOJIMA, HIDEO

Examiner

Scott E. Jones

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 21.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Response to Amendment

1. This office action is in response to the Appeal Brief filed on December 3, 2002 in which applicant appeals the examiner's previous rejections.

Response to Arguments

2. In view of the Appeal Brief filed on December 3, 2002, PROSECUTION IS HEREBY REOPENED. New grounds for the rejections set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

3. The examiner reviewed Goden et al. once again and determined that although Goden et al. does change a viewpoint based on a detected position and motion of a character, this viewpoint is not changed to one of those shown in Figure 5 based on the detected position and motion of the character.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 9, 19-20, 32, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Toshihiro et al. Toshihiro et al. (JP 07-155462) discloses an image processing method executed by a computer (video game) that detects the display position and motion of a character controlled by a player via inputs from a joystick and push buttons on the display unit, and based on the detected display position and motion provides one or more of several display images to be displayed on the display unit according to (Disclosure and Figures 2, 4, 6). The disclosure further describes scene images from a character's perspective, a bird's eye view, bird's eye view and motion of character (radar), and a radar image (Paragraph 16). Toshihiro et al. also teaches of computer hardware consisting of RAM and ROM that stores the image element data required to produce scene and character images in two and three dimensional computer graphics (Paragraphs 3, 10, and 13). Additionally, Toshihiro et al. discloses in that the invention also comprises a sound system controlled by the game computer (Paragraph 9).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 11, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toshihiro et al. Toshihiro et al. (JP 07-155462) teaches that as discussed above with respect to

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claims 1, 9, 19-20, 32, and 39. Toshihiro et al. meets all of the applicant's claimed subject matter with the possible exception of the processing method wherein a movement command is accepted when producing a bird's eye view and intrude mode scene image, while the movement command is unacceptable when producing a scene image from the character's view point.

Toshihiro et al. discloses that a joystick, pushbuttons, and other means are employed in the video game operating panel such that a player can manipulate a character. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to only accept a movement command in views that show the character and its surroundings giving the player a better opportunity to guide his/her character around upcoming obstacles. A movement command in the bird's eye view would be impractical if the viewpoint is away from the character, that is, the viewpoint is in the air and turned 180 degrees away from the character.

8. Claims 3-5, 12-13, 15, 35, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toshihiro et al. in view of Rieder. Toshihiro et al. (JP 07-155462) teaches that as discussed above with respect to claims 1, 9, 19-20, 32, and 39. Toshihiro et al. meets all of the applicant's claimed subject matter with the possible exception of the processing method wherein a character is detected behind a wall and cannot be seen, a scene image is then produced objectively viewing the character. Rieder (U.S. Patent # 5,769,718) teaches in the abstract, summary, and detailed description a processing method that detects a character behind a wall and produces an image such that the wall is transparent, thereby displaying all objects behind the wall, in addition to the image produced from the player's point of view. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to modify Toshihiro et al.'s game device to display objects located behind walls or obstacles along the road

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before they dash out as impediments for a player to maneuver a vehicle around making a game more fun and challenging.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toshihiro et al. in view of Rieder as applied to claims 3-5, 12-13, 15, 35, and 37-38 listed above in further view of Mukojima et al. Toshihiro et al. in view of Rieder teaches that as discussed above with respect to claims 3-5, 12-13, 15, 35, and 37-38. Toshihiro et al. in view of Rieder does not explicitly disclose that different sound effects are produced depending on the viewpoint displayed on the display unit. Mukojima et al. (U.S. Patent # 5,768,393) discloses a processing method that contains a sound source processor unit that controls sound to be generated according to the position and direction of an object according to claim 1. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to provide sound effects in the game device of Toshihiro et al. in view of Rieder resembling gun fire when ambushed by an enemy from the side of the road as shown in figure 20(b) to make a game more intense and real for the player.

10. Claims 6-7, 16-17, 34 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toshihiro et al. in view of Logg. Toshihiro et al. (JP 07-155462) teaches that as discussed above with respect to claims 1, 9, 19-20, 32, and 39. Toshihiro et al. meets all of the applicant's claimed subject matter with respect to claims 6 and 16 with the possible exception of the processing method wherein a radar image produced shows the field of vision of the character and enemy. Logg (U.S. Patent # 5,616,031) does have a radar image (figure 4), but remains silent to the field of vision feature that enables a player's character to see an enemy's field of vision, in addition to his own, on the radar image displayed on the display unit. It would have been obvious

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to one having ordinary skill in the art, at the time of the applicant's invention, to modify Toshihiro's game device to display a radar image such that the field of vision was in the direction of movement towards an enemy in the same line of sight as the "locking on" mechanism described in Logg to make a game easier to play.

Toshihiro et al. meets all of the applicant's claimed subject matter with respect to claims 7, 17, and 40 with the possible exception of the processing method wherein a radar image changes color when a character gets in the player's field of vision. Logg (U.S. Patent # 5,616,031) shows, in column 11, lines 13-15, an image processing method that produces and displays an image on the display unit of a target reticle for "locking on" to airborne targets that changes from red to white when a target is locked on to get the player's attention. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to provide a radar image that changed colors when an opposing vehicle target was within striking distance to get a player's attention to "lock on" and destroy an enemy target in the Toshihiro et al. game.

Toshihiro et al. meets all of the applicant's claimed subject matter with respect to claim 34 with the possible exception that the change in viewpoints interchangeably between a character's perspective and a bird's eye view perspective are user selectable via an external command. Column 3, lines 5-21 in Logg discloses user selectable viewpoints. It is widely known in driving games that a player can switch between a bird's eye view and a character's perspective view by manipulating a joystick and push buttons. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention was made, to modify Toshihiro et al.'s game to accept player's inputs from a joystick and push buttons to interchange

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between a player's perspective and a bird's eye view to give a player an opportunity to see the road and it's surroundings from a different viewpoint.

11. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toshihiro et al. in view of Logg as applied to claims 6-7, 16-17, 34 and 40 listed above and in further view of Mukojima et al. Toshihiro et al. in view of Logg teaches that as discussed above with respect to claims 6-7, 16-17, 34 and 40. Toshihiro et al. in view of Logg does not explicitly disclose that different sound effects are produced depending on the viewpoint displayed on the display unit. Mukojima et al. (U.S. Patent # 5,768,393) discloses a processing method that contains a sound source processor unit that controls sound to be generated according to the position and direction of an object according to claim 1. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to provide sound effects in the game device of Toshihiro et al. in view of Logg resembling gun fire when ambushed by an enemy from the side of the road as shown in figure 20(b) to make a game more intense and real for the player.

12. Claim 8, 18, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toshihiro et al. in view of "Corpse Killer" (Video Game by 3DO). Toshihiro et al. (JP 07-155462) teaches that as discussed above with respect to claims 1, 9, 19-20, 32, and 39. Toshihiro et al. meets all of the applicant's claimed subject matter with the possible exception of the processing method wherein a character can selectively choose and use any one item displayed on the display unit and scrolled in sequence. The video game, "Corpse Killer," teaches of a 3DO hand controller that allows a player to scroll through a menu on the bottom of the display unit and change the type of ammunition that the main characters are utilizing to kill the corpses by pressing the "B" button repeatedly. It would have been obvious to one having ordinary skill in

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the art, at the time of the applicant's invention, to modify the game device of Toshihiro et al, to utilize the push buttons on the video game control panel, to scroll through a variety of weapons in sequence, to choose to defend a character upon an ambush by an enemy while driving along the side of the road.

13. Claims 10, 21-22, 30-31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toshihiro et al. in view of Mukojima et al. Toshihiro et al. (JP 07-155462) teaches that as previously discussed above with respect to claims 1, 9, 19-20, 32, and 39.

Toshihiro et al., with respect to claims 10, 21 and 33, does not explicitly disclose that different sound effects are produced depending on the viewpoint displayed on the display unit.

Additionally, Toshihiro et al. does not explicitly disclose that different sound effects are produced depending on the motion and position of the character nor does he explicitly disclose that different sound effects are produced depending on the scene image displayed on the display unit. Mukojima et al. (U.S. Patent # 5,768,393) teaches, in claim 1, a processing method that contains a sound source processor unit that controls sound to be generated according to the position and direction of an object. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to provide sound effects in the game device of Toshihiro et al. resembling gun fire when ambushed by an enemy from the side of the road as shown in figure 20(b), to make a game more intense and real for the player.

Toshihiro et al. meets all of the applicant's claimed subject matter with respect to claim 22 with the possible exception of the processing method wherein a movement command is accepted when producing a bird's eye view and intrude mode scene image, while the movement command is unacceptable when producing a scene image from the character's view point.

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Toshihiro et al. discloses that a joystick, pushbuttons, and other means are employed in the video game operating panel such that a player can manipulate a character. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to only accept a movement command in views that show the character and its surroundings giving the player a better opportunity to guide his/her character around upcoming obstacles. A movement command in the bird's eye view would be impractical if the viewpoint is away from the character, that is, the viewpoint is in the air and turned 180 degrees away from the character.

Regarding claims 30-31, Toshihiro et al. already teaches of computer hardware consisting of RAM and ROM that stores the image element data required to produce scene and character images in three dimensional computer graphics.

14. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toshihiro et al. in view of Mukojima et al. as applied to claims 10, 21-22, 30-31, and 33 listed above and in further view of Rieder. Toshihiro et al. in view of Mukojima et al. teaches that as discussed above with respect to claims 10, 21-22, 30-31, and 33. Toshihiro et al. in view of Mukojima et al. meets all of the applicant's claimed subject matter with the possible exception of the processing method wherein a character is detected behind a wall and cannot be seen, a scene image is then produced objectively viewing the character. Rieder (U.S. Patent # 5,769,718) teaches in the abstract a processing method that detects a character behind a wall and produces an image such that the wall is transparent, thereby displaying all objects behind the wall, in addition to the image produced from the player's point of view. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to modify Toshihiro et al's game device to display objects located behind walls or obstacles along the road before they dash out as

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impediments for a player to maneuver a vehicle around making a game more fun and challenging.

15. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toshihiro et al. in view of Mukojima et al. as applied to claims 10, 21-22, 30-31, and 33 listed above and in further view of Logg. Toshihiro et al. in view of Mukojima et al. teaches that as discussed above with respect to claims 10, 21-22, 30-31, and 33. Toshihiro et al. in view of Mukojima et al. meets all of the applicant's claimed subject matter with respect to claim 26 with the possible exception of the processing method wherein a radar image produced shows the field of vision of the character and enemy. Logg (U.S. 5,616,031) does have a radar image (figure 4), but remains silent to the field of vision feature that enables a player's character to see an enemy's field of vision, in addition to his own, on the radar image displayed on the display unit. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to modify Toshihiro's game device to display a radar image such that the field of vision was in the direction of movement towards an enemy in the same line of sight as the "locking on" mechanism described in Logg to make a game easier to play.

Regarding claim 27, Toshihiro et al. in view of Mukojima et al. meets all of the applicant's claimed subject matter with the possible exception of the processing method wherein a radar image changes color when a character gets in the player's field of vision. Logg (U.S. Patent # 5,616,031) shows, in column 11, lines 13-15, an image processing method that produces and displays an image on the display unit of a target reticle for "locking on" to airborne targets that changes from red to white when a target is locked on to get the player's attention. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention,

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to provide a radar image that changed colors when an opposing vehicle target was within striking distance to get a player's attention to "lock on" and destroy an enemy target in the Toshihiro et al. game.

Regarding claim 28, Toshihiro et al. in view of Mukojima et al. meets all of the applicant's claimed subject matter with the possible exception of the processing method wherein different sound effects are produced depending on what scene image is displayed. Mukojima et al. (U.S. Patent # 5,768,393) discloses a processing method that contains a sound source processor unit that controls sound to be generated according to the position and direction of an object. It would have been obvious to one having ordinary skill in the art, at the time of the application, to generate a gradually louder sound as an opposing vehicle drove toward an opposing character to make a game seem more realistic.

16. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toshihiro et al. in view of Mukojima et al. as applied to claims 10, 21-22, 30-31, and 33 listed above and in further view of "Corpse Killer" (Video Game by 3DO). Toshihiro et al. in view of Mukojima et al. teaches that as discussed above with respect to claims 10, 21-22, 30-31, and 33. Toshihiro et al. in view of Mukojima et al. meets all of the applicant's claimed subject matter with the possible exception of the processing method wherein a character can selectively choose and use any one item displayed on the display unit and scrolled in sequence. The video game, "Corpse Killer," teaches of a 3DO hand controller that allows a player to scroll through a menu on the bottom of the display unit and change the type of ammunition that the main characters are utilizing to kill the corpses by pressing the "B" button repeatedly. It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to modify the game device of

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Toshihiro et al, to utilize the push buttons on the video game control panel, to scroll through a variety of weapons in sequence, to choose to defend a character upon an ambush by an enemy while driving along the side of the road.

Conclusion


17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morihira '105, Pierce et al. '810, and Langlais et al. '956 disclose gaming machines that provide a display based upon a player character's detected position and motion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ
sej
February 23, 2003


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